

SENATE BILL NO. 223

INTRODUCED BY G. BARKUS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A DISCOUNTED RECREATIONAL USE LICENSE FOR INDIVIDUALS WHO HAVE PREVIOUSLY PURCHASED A WILDLIFE CONSERVATION LICENSE; AMENDING SECTION 77-1-815, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 77-1-815, MCA, is amended to read:

"77-1-815. (Temporary) Recreational use agreement for hunting, fishing, and trapping on legally accessible state trust land. (1) The board is authorized to enter into an agreement with the department of fish, wildlife, and parks to compensate state trust land beneficiaries for the use and impacts associated with hunting, fishing, and trapping on legally accessible state trust land as defined in department rule. The department may impose restrictions it considers necessary to coordinate the uses of state trust land or to preserve the purposes of the various trust lands. Hunting, fishing, and trapping on state trust land must be conducted in accordance with rules and provisions provided in this part.

(2) An agreement may be issued to the department of fish, wildlife, and parks for a term of up to 10 years. Through this agreement, the board shall recover for the beneficiaries of the trust the full market value for the use and impacts associated with hunting, fishing, and trapping on legally accessible state trust land. Ten percent of the gross receipts from the agreement must be deposited in the state lands recreational use account established in 77-1-808. The remaining 90% must be apportioned on a pro rata basis to the land trusts, in proportion to the respective trust's percentage of acreage in the total acreage of all state land trusts.

(3) Any agreement entered into is subject to the following conditions:

(a) The department maintains sole discretion, throughout the term of the agreement, with regard to identifying legally accessible parcels, coordinating uses on state trust land, and any other necessary state trust land management decisions.

(b) An agreement between the department and the department of fish, wildlife, and parks may not convey any additional authority to the department of fish, wildlife, and parks.

(4) During any period that the department of fish, wildlife, and parks and the department have reached an

1 agreement as provided in subsection (1), an individual recreational use license under 77-1-801 or 77-1-802 may not
2 be required for a member of the public to hunt, fish, or trap upon legally accessible state trust land.

3 (5) An applicant for a recreational use license who has previously purchased a wildlife conservation license
4 shall, upon presentation of the applicant's wildlife conservation license at any location where recreational use
5 licenses are sold, be entitled to a discount on the recreational use license equal to the amount allocated by the
6 department of fish, wildlife, and parks for hunting, fishing, and trapping purposes as provided in this part. (Void on
7 occurrence of contingency--sec. 8, Ch. 596, L. 2003.)"

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9 **NEW SECTION. Section 2. Effective date.** [This act] is effective March 1, 2006.

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11 **NEW SECTION. Section 3. Contingent voidness.** (1) (a) If an agreement between the department of
12 natural resources and conservation and the department of fish, wildlife, and parks to compensate state trust land
13 beneficiaries for the use and impacts associated with hunting, fishing, and trapping on state trust land is terminated
14 prior to the expiration date of the agreement, then [this act] is void upon termination. The department of natural
15 resources and conservation shall notify the code commissioner of the termination.

16 (b) If the department of natural resources and conservation and the department of fish, wildlife, and parks
17 do not enter into a renewal agreement prior to the expiration date of an agreement, then [this act] is void on the
18 expiration date of the agreement. The department of natural resources and conservation shall notify the code
19 commissioner of the expiration.

20 (2) If a court of competent jurisdiction determines that the agreement to compensate state trust land
21 beneficiaries for the use and impacts associated with hunting, fishing, and trapping on state trust lands is invalid,
22 then [this act] is void on the date the court's judgment is final. The department of natural resources and conservation
23 shall notify the code commissioner of the entry of the judgment.

24 (3) If the department of natural resources and conservation and the department of fish, wildlife, and parks
25 receive written notice from the regional director of the United States fish and wildlife service that [this act] will result
26 in a loss of federal fish and wildlife funds, then [this act] is void. The department of natural resources and
27 conservation shall notify the code commissioner that the department has received a notice and the date upon which
28 the notice was received.

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